

STATEMENT IN
SUPPORT OF PROBABLE CAUSE

IN RE: Mario Alberto TOVAR Jr., Oscar Axel FLORES, & Angela Ruby PONCE

I, Miguel A. Rodriguez, declare and state as follows:

1. On March 22, 2024, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) received information revealing Mario Alberto TOVAR Jr. had purchased four (4) firearms of various makes and models between January 25, 2024, and March 13, 2024, from two separate Federal Firearms Licensed (FFL) dealers.
2. The purchasing of multiple firearms in a short period of time is a well-known tactic, technique, and procedure (TTP) commonly seen for the purposes of firearms trafficking. Additionally, a report received by ATF agents revealed one of the pistols purchased by TOVAR was recovered in Mexico on March 26, 2024. A short period of time from purchase to recovery is known to agents to be indicative of likely criminal activity.
3. ATF agents assigned to the case discovered seven rifles and pistols were purchased by TOVAR during the specified timeframe. During the investigation, ATF agents received Firearms Transaction Records, ATF Form 4473, from FFL dealers that indicated suspicious activity because TOVAR's crossing history from Mexico into the United States matched the firearm purchase dates.
4. On March 14, 2024, TOVAR arrived at an FFL dealer accompanied by Oscar Axel FLORES and Angela Ruby PONCE where all three individuals purchased a rifle and paid with cash. Due to PONCE's age (under 21), a delay was placed on the transfer of the firearm. At this point, ATF began conducting surveillance on the FFL to observe PONCE retrieve the firearm.
5. ATF agents obtained a copy of PONCE's ATF Form 4473 which she filled out on March 14, 2024. The firearm listed on the form matched the firearm discovered inside of the Nissan Altima with TOVAR and FLORES as noted in paragraph 6 below. The firearm matched the following identifiers: Make: Radical Firearms, Model: RF-15, Serial Number: 2-001849, Caliber: 7.62 x 39mm.
6. On April 2, 2024, PONCE was seen by ATF agents exiting the FFL dealer with the firearm and enter a black Nissan Altima bearing Mexican license plates. Agents also noticed that the vehicle was occupied by two male subjects, later identified as Tovar and Flores. ATF agents conducted mobile surveillance on the Nissan Altima and maintained visual of its movement.

7. Moments later, the Nissan Altima came to a stop at the entrance of the Lincoln Juarez international bridge in Laredo, Texas and agents witnessed PONCE exit the vehicle without the firearm and proceed towards the bridge on foot. ATF agents approached PONCE and detained her for questioning. PONCE informed the agents that she was headed home, in Nuevo Laredo, Mexico.
8. The Nissan Altima was pulled over for a moving traffic violation by officers assigned to the Laredo Police Department. During the traffic stop, TOVAR was identified as the driver and FLORES was identified as the passenger. The firearm, which PONCE had picked up from the FFL, was discovered laying on the rear passenger floorboard. Based on the totality of the circumstances, TOVAR, FLORES, and PONCE were transported to the ATF Laredo Office for questioning.
9. During their interviews, all three individuals admitted to purchasing firearms for monetary gain and providing false and/or misleading information on the Firearms Transaction Record (ATF Form 4473). All three admitted to knowing the firearms they purchased were intended to be smuggled and/or trafficked into Mexico for the Cartel del Noreste (CDN).
10. ATF agents performed a preliminary examination of the firearm and found that it affected interstate commerce.

I declare (certify, verify, or state) under penalty of perjury that the forgoing is true and correct to the best of my knowledge.

Executed on the 2nd of April, 2024.

/s/ Miguel A. Rodriguez

Miguel A. Rodriguez, ATF Task Force Agent

Having reviewed the foregoing declaration, I find probable cause that the defendant(s) named above have committed an offense against the laws of the United States and may therefore be further detained pending presentment before a judicial officer.

Executed on the _____ day of _____, 20____

UNITED STATES MAGISTRATE JUDGE